

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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09/18/2007 10:20 a.m. 09/10/2007

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MOSES PACHECO, JR.,

Plaintiff,

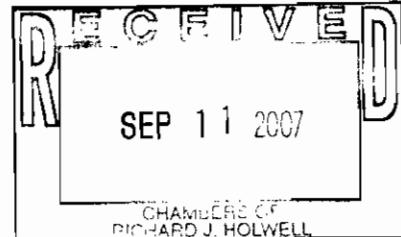
PROPOSED JOINT
SCHEDULING ORDER

-against-

07 CV 4717 (RJH)

THE CITY OF NEW YORK, SERGEANT PAGAN
(Shield # 1098), POLICE OFFICER LANE (Shield #
31936), POLICE OFFICER NOLASCO (Shield # 22895),
POLICE OFFICER ROSARIO (Shield # 27493), and
POLICE OFFICER MURAD (Tax Reg 937156),

Defendants.

1. **Description of the Case.**a. **Attorneys of record for each party, including lead trial attorney:**

For Plaintiff: Wale Mosaku, Esq., Law Offices of Wale Mosaku, P.C., 25 Bond Street, 3rd Floor, Brooklyn, New York 11201 (718) 243-0994.

For Defendants: Stuart E. Jacobs, Assistant Corporation Counsel, New York City Law Department, 100 Church Street, New York, New York 10007. (212) 788-0899.

b. **Basis for federal jurisdiction:**

This action is brought under 42 USC 1983 for the violation of the civil rights of the plaintiff. Defendants deny any violation of plaintiff's civil rights, but do not challenge the Court's jurisdiction over this matter.

c. **Claims asserted in the complaint and any counterclaims:**

Plaintiff claims he was subjected to false imprisonment, false arrest, malicious prosecution, and assault and battery on or about June 6, 2006 and September 20, 2006. Defendants have asserted no counterclaims.

d. **Major legal and factual issues in the case:**

- Whether the stops and subsequent arrests of plaintiff on June 6, 2006 and September 20, 2006, were justified by reasonable suspicion and/or probable cause.
- Whether it was objectively reasonable for the defendant officers to believe that the detention of plaintiff on both dates was justified by reasonable suspicion and/or probable cause.

e. **Relief sought:** Plaintiff seeks compensatory and punitive damages as against the City of New York and the individual named officers, in addition to attorney's fees and costs and disbursements.

2. **Proposed Case Management Plan**

a. **All pending motions:** None.

b. **Date for joinder of additional parties:** October 31, 2007

c. **Date for amendments to pleadings:** October 31, 2007

d. **Schedule for completion of discovery, including:**

i. **Date for Rule 26(a)(1) disclosures:** September 28, 2007

ii. **Date for fact discovery completion:** March 14, 2008

iii. **Date for Rule 26(a)(2) disclosures:** March 28, 2008

iv. **Date for expert discovery completion:** April 30, 2008

a. **Plaintiff's expert report due by:** March 28, 2008

b. **Defendants' expert report due by:** April 11, 2008

c. **Date for filing dispositive motions:** May 14, 2008

f. **Date for filing a final pretrial order:** June 14, 2008

g. **Proposed trial schedule, including:**

i. **Whether a jury trial is requested:** The parties request a jury trial.

ii. **The probable length of the trial:** Approximately 2-3 days.

iii. **When the case will be ready for trial:** June 14, 2008, or 45 days following the Court's ruling on any dispositive motions.

3. **Consent to Proceed Before a Magistrate Judge:** At this time the parties do not consent to proceed for all purposes before a Magistrate Judge.
4. **Status of Settlement Discussions:**
 - a. **Whether any settlement discussions have occurred:** Settlement discussions have occurred.
 - b. **The status of any settlement discussions:** Plaintiff has made an initial demand. The defendants have not responded with an offer at this time.
 - c. **Whether the parties request a settlement conference:** The parties request a settlement conference.

Dated: New York, New York
September 10, 2007

Wale Mosaku, Esq.
Law Offices of Wale Mosaku, P.C.
Attorney for Plaintiff
25 Bond Street, 3rd Floor
Brooklyn, New York 11201
(718) 243-9148

By: 
Wale Mosaku, Esq. (AM - 5872)

~~E. Jacobs~~
SO ORDERED:

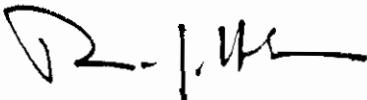
~~HON. RICHARD J. HOLWELL~~
UNITED STATES DISTRICT JUDGE

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 3-311
New York, New York 10007
(212) 788-0899

By: 
Stuart E. Jacobs (SJ-8379)
Assistant Corporation Counsel

5. The conference presently
scheduled for 10/5/07 is
adjourned to 3/21/08
at 11:00 a.m.

SO ORDERED


R. J. Holwell
U.S.D.J.
9/12/07